

AMENDING THE ARMED FORCES LEAVE ACT OF 1946

JUNE 20, 1956.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. KILDAY, from the Committee on Armed Services, submitted the following

REPORT

[To accompany H. R. 9246]

The Committee on Armed Services to whom was referred the bill (H. R. 9246) to amend the Armed Forces Leave Act of 1946 by authorizing payments to survivors of former members for unused leave credit, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and substitute the following:

That the last sentence of section 4 (c) of the Armed Forces Leave Act of 1946, as added by section 1 of the Act of August 4, 1947 (37 U. S. C. 33 (c)), is amended to read as follows: "Settlement and compensation in accordance with this subsection shall, in the case of a member or former member of the Armed Forces who dies after retirement or discharge and without having received that compensation be made to the survivors of that member or former member in the manner prescribed in section 6 (b) of this Act."

SEC. 2. This Act takes effect August 9, 1946. No settlement and compensation may be made under this Act in the case of a member or former member who died before the date of enactment of this Act unless application is made to the Secretary concerned within two years after the date of enactment of this Act.

SEC. 3. Any settlement and compensation made under this Act shall be made from current applicable appropriations.

The purpose of the proposed legislation is to amend the Armed Forces Leave Act of 1946 so as to eliminate an existing inequity which limits payments of amounts due for unused leave for living members and former members of the Armed Forces.

Normally a member is paid his unused accrued leave at the time of separation or retirement but there have been cases in which individuals, because of administrative mistakes or because of mental incompetence of the members separated, necessitating time consuming appointments of guardian, have not received their payments upon separation or retirement and have died prior to the date settlement

could be effected. If an individual dies before the final settlement of the leave account there is no method under existing law by which his survivors can be paid for the unused leave.

The proposed legislation has been amended by the committee so as to make it conform with the Armed Forces Leave Act in all respects and in addition has been amended so as to be effective from the date of the Armed Forces Leave Act, August 9, 1946.

There are approximately 1,005 known claims which have been filed for payments of amounts due for unused leave which the military departments have been unable to honor because of the restrictive language in the present law. These claims involve approximately \$145,000, but under the amendment must be paid from current appropriations.

Enactment of the proposed legislation would place military personnel in the same status as civilian employees of the Federal Government with regard to payment for unused leave.

The Committee on Armed Services recommends enactment of the proposed legislation, as amended.

The Department of Defense also recommends enactment of the proposed legislation, and the Bureau of the Budget interposes no objection as indicated by the following attached letter hereby made a part of this report.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, February 7, 1956.

HON. SAM RAYBURN,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: There is forwarded herewith a draft of legislation to amend the Armed Forces Leave Act of 1946 by repealing the prohibition on payments to survivors of former members for unused leave credit.

This proposal is a part of the Department of Defense legislative program for 1956, and the Bureau of the Budget has advised that there would be no objection to the presentation of this proposal for the consideration of the Congress. The Department of the Air Force has been designated as the representative of the Department of Defense for this legislation. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of the proposed legislation is to provide for payment to survivors of amounts due for unused leave of members of the Armed Forces who die subsequent to separation, but prior to settlement of unused leave accounts under the Armed Forces Leave Act of 1946, as amended (60 Stat. 964; 37 U. S. C. 33).

This legislation is proposed to eliminate inequities created by existing provisions of section 4 (c) of the Armed Forces Leave Act of 1946, as amended, which limit payments of amounts due for unused leave to living members or living former members of the Armed Forces. Usually a member receives payment for his unused accrued leave at the time of separation from the service. However, there are instances,

principally in the case of those discharged because of mental incompetence, where the former member dies prior to payment for unused accrued leave. Additionally, cases may occasionally arise in which, by reason of administrative error, the leave record may be inaccurate; and later audit will disclose that the separated member did not receive proper payment. In the case of those retired or discharged because of mental incompetence, statutory requirements for settlement of accounts impose conditions which necessitate a lapse of time before settlement can be effected. Therefore, regardless of the fact that a case may be processed expeditiously, death may occur prior to final settlement of the leave account. In cases of this sort, the survivors will have already suffered mental anguish and possible financial difficulties. It appears inequitable that they should be further penalized by failure to receive such payments as are found due to the former member.

Enactment of this proposed legislation would place military personnel on a parity with civilian employees of the Federal Government with regard to payment for unused leave. The act of August 3, 1950, "To facilitate the settlement of the accounts of certain discharged civilian officers and employees of the Government," as amended (64 Stat. 395; 68 Stat. 1105; 5 U. S. C. 61 f-k), provided for payment to survivors of amounts due civilian officers and employees of the Government for unused leave. Such amounts are listed under the term "unpaid compensation."

COST AND BUDGET DATA

Enactment of this proposal will cause no increase in budgetary requirements of the Department of Defense. An exact estimate of costs involved is not possible since it depends on the contingency of death occurring prior to settlement of the leave account. However, the number of potential cases is small, and any payments authorized by the proposal can be absorbed within existing appropriations.

Sincerely yours,

DONALD A. QUARLES.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, there is printed below in parallel columns the text of provisions of existing law which will be amended by the bill and the text of the bill which will repeal or amend those provisions:

EXISTING LAW

The last sentence of section 4 (c) of the Armed Forces Leave Act of 1946, as added by section 1 of the Act of August 4, 1947 (37 U. S. C. 33 (c)):

"Settlement and compensation in accordance with this subsection shall be made only to a living member or living former member of the Armed Forces."

THE BILL

That the last sentence of section 4 (c) of the Armed Forces Leave Act of 1946, as added by section 1 of the Act of August 4, 1947 (37 U. S. C. 33), is amended to read as follows:

"Settlement and compensation in accordance with this subsection shall, in the case of a member or former member of the Armed Forces who dies after discharge and without having received that compensation, be made to the survivors of that member or former member in the order set forth in section 6 (b) of this Act."